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EXAMINER

CHUONG, TRUC T

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/680,389
Filing Date: October 04, 2000
Appellant(s): REID, GLENN

Jeffery Scott Heilesen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Feb. 07, 2005.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

Are claims 1-45 properly rejected under 35 U.S.C. 102(b) as being anticipated over Klingler et al. (U.S. Patent No. 5,404,316)?

(7) *Grouping of Claims*

Claims 1-45 stand or fall together.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,404,316

Klingler

Apr. 4, 1995

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-45 are rejected under 35 U.S.C. 102(b). This rejection is set forth in a prior Office Action, mailed on Sep. 02, 2004.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingler et al. (U.S. Patent No. 5,404,316).

As to claim 1, Klingler teaches a method for processing a presentation of a time based stream of information, the method comprising:

A) providing a user interface having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation, the reference including one of at least two types of edit features (Edit features, col. 10 lines 24-53, Time View, col. 8 lines 13-29, col. 9 lines 17-38, “Show Time View”, col. 14 lines 52-53, and figs. 6 & 17);

B) displaying the single graphical representation of a time line on the user interface (Time View, col. 8 lines 13-29, col. 9 lines 17-38, “Show Time View”, col. 14 lines 52-53, and figs. 6 & 17);

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C) displaying a reference with an edit feature on the user interface (col. 10 lines 24-53 and figs. 8-10); and

D) dragging the reference over the single graphical representation of the time line to insert the edit feature into the presentation (col. 9 lines 4-16).

As to claim 2, Klingler teaches the method of claim 1, wherein the edit feature is text (text, col. 3 lines 37-45).

As to claim 3, Klingler teaches the method of claim 1, wherein the edit feature is a transition (transition, col. 7 lines 33-37).

As to claim 4, Klingler teaches the method of claim 1, wherein the single graphical representation of a time line includes at least two references and wherein the reference with an edit feature is dragged between the two references (drag and drop, col. 9 lines 4-16).

As to claim 5, Klingler teaches the method of claim 1, wherein providing the reference with the edit feature is by moving a reference to an edit box and inserting the edit feature into the reference in response to user edit commands (command, col. 10 lines 24-43).

As to claim 6, Klingler teaches the method of claim 5, wherein the moving of the reference is by cutting the reference and pasting the reference over the edit box (Edit, col. 10 lines 24-52).

As to claim 7, Klingler teaches the method of claim 1, further including editing the edit feature of the reference by selecting the reference and popping up an edit box automatically in response to the selecting (automatically pasted, col. 3 lines 27-33).

As to claim 8, Klingler teaches the method of claim 1, further including displaying another reference having an edit feature and in response to a user cut/paste command, cutting the

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other reference from a position on the user interface and pasting the other reference over the single graphical representation of the time line to insert the edit feature into the presentation (Edit, col. 10 lines 24- 53 and figs. 5, 7, 9-10).

As to claim 9, Klingler teaches the method of claim 8, wherein the single graphical representation of a time line includes at least two references and wherein the reference having an edit feature is pasted between the two references (Swap, Reset, Zoom features placed between two frames, fig. 9).

As to claim 10, note the rejection of claim 1 above except (c) cutting the reference from a position on the user interface and pasting the other reference over the single graphical representation of the time line to insert the edit feature into the presentation. Klingler shows this feature "Cut" in Edit col. 10 lines 24-53.

As to claims 11, 12, 13, 14, and 15, note the rejections of claims 2-5, and 7 above respectively.

As to claim 16, Klingler teaches a digital processing system comprising:

A) a capture port for acquiring a time-based stream of information (Editing environment and Time line view, col. 2 lines 42-67, col. 3 lines 1-49, figs. 3-5);

B) a storage coupled to the capture port (storage memory, col. 4 lines 33-51 and fig. 1);

C) a display device (figs. 3-4); and

D) a processor coupled to the display device and to the storage (fig. 1), the processor for:

(i) providing a user interface having functionality to display only a single graphical representation of a time based stream of information in a presentation, the reference including one of at least two types of edit features (Edit features, col. 10 lines

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24-53, Time View, col. 8 lines 13-29, col. 9 lines 17-38, "Show Time View", col. 14 lines 52-53, and figs. 6 & 17);

(ii) display the single graphical representation of a time line on the user interface (Time View, col. 8 lines 13-29, col. 9 lines 17-38, "Show Time View", col. 14 lines 52-53, and figs. 6 & 17);

(iii) displaying a reference with an edit feature on the user interface (col. 10 lines 24-53 and figs. 8-10); and

(iv) dragging the reference over the single graphical representation of the time line to insert the edit feature into the presentation (col. 9 lines 4-16).

As to claims 17-21, these are system claims of method claims 2, and 4-7. Note the rejections of claims 2, and 4-7 above respectively.

As to claim 22, this is a system claim of the method claim 1. Note the rejection of claim 1 above.

As to claims 23-27, these are system claims of method claims 1, 4-7. Note the rejections of claims 1, 4-7 above respectively.

As to claims 28-33, these are program product claims of method claims 1, 4-7. Note the rejections of claims 1, 4-7 above respectively.

As to claims 34-39, these are product claims of method claims 10-15. Note the rejections of claims 10-15 above respectively.

As to claims 40-45, these are system claims of method claims 10-15. Note the rejections of claims 10-15 above respectively.

(11) Response to Argument

Klingler's invention is the video image processing system includes an interface capable of displaying one or more movie view windows (col. 2 line 51-col. 3 line 35, and fig. 3). One movie view displays one, some or all of the clips of a selected movie playing in real time, and the Time View is formatted as one or more horizontal strips capable of showing each frame of a selected clip in a Time Line view to provide more precise display of those clips for frame-accurate editing (fig. 6). Another movie view is formatted as a conventional word processor file editor, and allows the user to view one, some or all of the clips of a movie with the associated script in text form. These windows, known as the Player, Storyboard, Time, and Script Views respectively, together provide a complete composition and editing environment which allow the user to organize and process movie clips into a desired end product (figs. 3, 5, 6, and 9). The Player View is in substantial part a frame-size window through which one, some or all of the clips of your movie can be played. A Player View window includes standard controls to start and stop your movie, control the sound volume and make selections. The Time View provides a precise frame-by-frame display of one or more clips of a movie for frame-accurate editing. The Time View also contains one or more sound tracks associated with the displayed clips (col. 8 lines 13-29, and fig. 6). By using the Edit commands (col. 10 lines 25-43), the user can select a desired media clip or clips from the Story Board (figs. 3 & 5) to be copied or duplicated including video and audio (sound band), then later being viewed on the Time View (fig. 6) or the Editing window (figs. 8-9, 13-14); however, each of the clips does not play with its own time line as interpreted by the Appellant, all media clips (video and audio) as shown in fig. 6 are associating with only one single timeline in order to synchronize the event.

The Appellant argues that Klingler fails to display only a single graphical representation of a time line as claimed. The Appellant has interpreted the fig. 6 of Klingler contains as many as nine distinct time lines in the Time View shown in fig. 6. In response to the argument, the Examiner disagrees with the Appellant. This is not true because the Appellant might have misquoted the meaning of Klingler's timeline shown in fig. 6. In this case, fig. 6 has more than one clips: the video clip and six more audio clips. Each of these clips is running in association with a Time Line; it means that there is only one timeline, and a total of 7 clips. There is only one single graphical representation of a timeline with multiple media clips but clips themselves are not timelines as explained above.

Klingler also clearly provides the user the ability to select only one clip or more clips to play/edit on the window (col. 9 lines 16-38). If one clip is selected to play/edit, there is a timeline will be displayed on the window; moreover, if a second clip (a third clip, and so on) is also selected to integrate with the first clip, there is still only the same single timeline associating with all other selected clips.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Truc T. Chuong
Patent Examiner, AU 2179
May 13, 2005




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